IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

...

S.B. CIVIL WRIT PETITION NO.6619/2003

Omprakash

Versus

State of Rajasthan and ors.

Date of Order : 1.4.2005

PRESENT

HON'BLE MR. R.P.VYAS,J.

Mr.G.L. Choudhary, for the petitioner
Mr.R.Dave, for the respondents.

...

Heard.

During the course of arguments, it has also been submitted by the learned counsel for the petitioner that controversy involved in this case is squarely covered by the judgment rendered in S.B. Civil Writ Petition No.1243/2003 decided on 4.5.2004 in case of Chandra Mohan Singh V/s State and ors. reported in WLC 2004 Vol.3, page 413 as also S.B. Civil Writ Petition No.1562/2004 (Shanti Devi V/s State of Rajasthan and ors.) decided on 15.9.2004. and S.B. Civil Writ Petition No.4868/2004 (Dilip Kumar Tailor V/s State of Rajasthan and ors.) decided on 15.2.2005.

This fact has not been controverted by the learned counsel for the respondents.

Accordingly, this writ petition is also allowed in terms of above referred judgments in the following terms:-`

(i) The impugned notification dtd. 8.6.2001(Annex.3) to the extent it interfere with the accrued and vested rights of the petitioner and similarly situated employees in reducing the pay scale of Rs.6500-10500 to Rs.5500-9000 w.e.f. July 1, 1998 is declared ultra vires of the Constitution of India and only to that extent, it stands quashed and set aside.

(ii) The petitioner unaffected by the impugned notification shall be entitled to retain the pay scale of Rs.6500-10500 and consequential monetary benefits in view of 1998 Rules which were given effect from September 1,1996.

(iii) The respondents are restrained from making any recovery from the petitioner in pursuance of the impugned notification and if any recovery has already been effected, the entire recovered amount shall be refunded back within 30 days from the date of receipt of a certified copy of this order.

(iv) There shall be no order as to costs.

(R.P.VYAS)J.

Rm/